

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

TUMEY L.L.P., TOD T. TUMEY,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 4:21-00113-CV-RK
	)	
MYCROFT AI INC., JOSHUA	)	
MONTGOMERY, MICHAEL LEWIS,	)	
	)	
Defendants.		

**ORDER**

Defendant Mycroft AI, Inc. filed an Ex Parte Motion for Extension of Time (Doc. 11). The motion indicates Mycroft attempted to resolve the scheduling issues discussed in the motion through the meet and confer process, but Plaintiffs declined to agree to the sought-after relief. It is not apparent from this procedural context nor the remainder of the substance of the motion why Mycroft filed the motion Ex Parte under seal.

“There is a common-law right of access to judicial records.” *IDT Corp. v. eBay*, 709 F.3d 1220, 1222 (8th Cir. 2013) (citing *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597, 98 S.Ct. 1306, 55 L.Ed.2d 570 (1978)). “[T]he common-law right of access applies to judicial records in civil proceedings.” *Id.* This right of access is not absolute, but the Court must employ its discretion to determine whether there are sufficient grounds to override the common-law right of access to justify an order allowing a document to be sealed. *Id.* at 1222-23. “Where the common-law right of access is implicated, the court must consider the degree to which sealing a judicial record would interfere with the interests served by the common-law right of access and balance that interference against the salutary interests served by maintaining confidentiality of the information sought to be sealed.” *Id.* at 1223.

Here, Defendant Mycroft AI, Inc. has not justified filing its motion ex parte under seal. A disagreement with opposing counsel is insufficient justification. Moreover, Defendant Mycroft AI, Inc. provided Plaintiffs a copy of the motion.

Accordingly, the Court **ORDERS** Defendant Mycroft AI, Inc., to show cause on or before March 24, 2021, why its Ex Parte Motion for Extension of Time (Doc. 11) should remain under

seal. Otherwise the Court will unseal the Ex Parte Motion for Extension of Time (Doc. 11) on March 24, 2021, at 5:00 p.m. (Central Time).

**IT IS SO ORDERED.**

s/ Roseann A. Ketchmark  
ROSEANN A. KETCHMARK, JUDGE  
UNITED STATES DISTRICT COURT

DATED: March 23, 2021